

proposed alternative process would be materially different, as that term is used in the MPEP to support restriction, nor is there an explanation as to how the proposed alternative would provide the device of, e.g., claim 1. The same is true for the statement of separate utility. There is no statement supporting the Election of Species requirement. In this sense, Applicant cannot respond fully to the merits to the Requirement. Applicants thus respectfully submit that the Restriction Requirement fails to make out a *prima facie* case supportive of Restriction and Election, and for this reason Applicants request that the Requirement be withdrawn and that all claims in this case be examined.

In addition, for a Restriction to be proper a burden must be placed on the Office in examining all claims. Here, a full search of all pending claims would entail the search of only a few subclasses, and thus Applicant respectfully submits that a full search of this case would not present the necessary burden.

Applicants note that some provisionally non-elected claims are method claims, and thus rejoinder is respectfully requested. The Examiner is authorized to make the process claims depend from appropriate device claims if necessary for rejoinder and allowance on first action. See MPEP §821.04.

Finally, Applicants request that the search be expanded to include at least Claim 1, for example upon the examination of the elected species.

Respectfully submitted,

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